



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,790	06/23/2003	Peter Meerwald	282562US8X	1686

22850 7590 06/18/2007

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PHAM, THIERRY L

ART UNIT	PAPER NUMBER
----------	--------------

2625

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/18/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/602,790

Applicant(s)

MEERWALD ET AL.

Examiner

Thierry L. Pham

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20-25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/23/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2625

DETAILED ACTION

- This action is responsive to the following communication: Response to restriction/election filed on 5/21/07.
- Claims 1-18, 20-25, and 27-28 are currently pending. Claims 19 & 26 have been canceled; claims 20-25 & 27-28 are currently being considered; claims 1-18 have been withdrawn due to non-election invention.

Election/Restrictions

Claims 1-18 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/21/07. Applicant's election with traverse of invention/group IV in the reply filed on 5/21/07 is acknowledged. The traversal is on the ground(s) that the examiner has not established that a serious burden would result if all the claims were examiner together. This is not found persuasive because these inventions are independent or distinct for the reasons previously given and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification and require a different field of search (see MPEP § 808.02) restriction for examination purposes as indicated is proper. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2625

Claims 20-25 & 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Valer (US 6714209).

Regarding claim 23, Van Valer discloses a system (system as shown in fig. 5) for performing processes used for generating printing data on the basis of which a disk label (creating disk label, fig. 4) is creatable, comprising:

- a network capable client means (user's browser 500, fig. 5) for locally and/or remotely controlling/performing (remotely generating/creating disk label, fig. 4) said processes used for generating print data on the basis of which a disk label is creatable (disk label, fig. 4); and
- a network capable server (server 520, fig. 5) offering functionality (disk label creating functionality, fig. 6, col. 2, lines 50-65 and col. 11, lines 5-67) directly usable by a remote client on said server and/or installable on said remote client in order to be remotely used, said functionality adapted to locally and/or remotely control/perform said processes used for generating printing data on the basis of which a disk label is creatable (remotely creating disk label, fig. 3-5, col. 11, lines 5-67), wherein said network capable client and said network capable server are connected with each other via a communication network (client and network server are connected via network 510, fig. 5).

Regarding claim 24, Van Valer further discloses the system according to claim 23, wherein said communication network comprises the Internet (Internet 510, fig. 5) and/or an Intranet.

Regarding claim 20, Van Valer further discloses the network capable server (2) according to claim 23, further comprising: a web browser (user's browser 500, fig. 5, col. 11, lines 5-67) running on a remote client to access said offered functionality.

Regarding claim 21, Van Valer further discloses the network capable server according to claim 20, wherein said offered functionality are applets (user-definition-to-XML module 530, fig. 5, col. 11, lines 5-67) to be used in conjunction with a web browser.

Art Unit: 2625

Regarding claim 22, Van Valer further discloses the network capable server according to claim 23, further comprising: means for receiving (via network 510, fig. 5) printing data being remotely generated by said remote client.

Regarding claims 25, 27-28 recite limitations that are similar and in the same scope of invention as to those in claims 23-24 above; therefore, claims 25, 27-28 are rejected for the same rejection rationale/basis as described in claims 23-24.

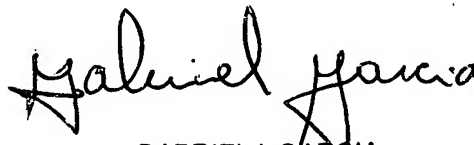
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



GABRIEL I. GARCIA
PRIMARY EXAMINER